IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11334 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KATARIA TRANSPORT SERVICE

Versus

STATE OF GUJARAT

Appearance:

MR JJ YAJNIK for Petitioner

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 17/11/2000

ORAL JUDGEMENT

1. I have heard Mr. JJ Yajnik, learned counsel for the petitioner and Mr. A.J. Desai, learned AGP appearing on behalf of the State Respondents. Rule. Mr. A.J. Desai, learned AGP waives service of rule.

2. The petitioner was carrying dumpers in the trailer truck of the petitioner being No. HR-47-2080. When crossing through the State of Gujarat, the officials at Songadh check post stopped the vehicle and demanded necessary papers from the petitioner. Petitioner could not produce the relevant papers regarding payment of tax in respect of the dumpers. Consequently the vehicle along with the dumpers were seized by respondent No. 2 RTO of Songadh on 18-9-2000. It is submitted by Mr. Yajnik that, even though the petitioner is not liable to make payment of tax as the dumpers are new one and not been sold, but in view of the fact that these dumpers are lying idle from the date of seizure, petitioner is agreeable to pay the monthly tax from the date of seizure till November, 2000 for the release of the vehicle, including the dumpers. It is also submitted by learned counsel for the petitioner that, during the period of seizure the validity of the permit of the trailer has expired in October and therefore the petitioner is agreeable to furnish new permit in respect of the trailer. On payment of tax for the month of September, October and November, 2000 and on production of new permit in respect of the trailer the vehicle along with dumber shall be released by the respondent, and from the date of release of the vehicle the petitioner will remove the dumpers from the territory of the State of Gujarat on/or before 30-11-2000.

3. With the aforesaid directions, the petition is disposed of. Rule discharged. No order as to costs. Direct service permitted.

Dt: 17-11-2000 (P.K. Sarkar, J)

/vgn.